

RELEASING THE RESULTS OF INVESTIGATIONS

BY

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USAWC STRATEGY RESEARCH PROJECT

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by

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ABSTRACT

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The Department of Defense and each military service maintain their own Inspector General program to investigate wrong doing. Additionally, each military branch provides an investigation mechanism for use by commanders to find and fix problems under the direct authority of their command. However, in order for senior military leaders to learn lessons from the mistakes of others, access to investigation reports is crucial. Absent these reports, speculation among the troops is rampant as to the true reasons behind the often-published loss in confidence of ability to lead. This paper looks at each of these investigation mechanisms and advocates for an expanded release of information to allow for lessons to be learned.

RELEASING THE RESULTS OF INVESTIGATIONS

On December 21, 2009, Gilbert Arenas – star basketball player for the National Basketball Association's Washington Wizards – brought four guns into the locker room at Verizon Center for what he alleged was a practical joke.¹ Earlier in the month Mr. Arenas and teammate Javaris Crittenton – with only two years of NBA experience – “got into an argument over a card game, and Crittenton suggested a fistfight.”² Arenas intensified the disagreement and escalated the confrontation saying he was too old to fight and instead said he would shoot Crittenton in the face. This basketball star version of a “practical joke” ended in the Wizards’ locker room with Arenas placing four guns on the chair directly in front of Crittenton's locker with a note that said "PICK 1.”³ This foolishness resulted in Mr. Arenas’ suspension without pay from basketball, in addition to having felony charges filed by the District of Columbia for possessing an unregistered firearm. Sadly though this was not his first brush with the law regarding guns as “Arenas plead no contest in 2003 to a misdemeanor for possessing a concealed weapon and driving without a license while he was a member of the Golden State Warriors.”⁴ Clearly Mr. Arenas did not learn his lesson regarding firearms the first time around. It became even clearer to the nation that Mr. Arenas did not appreciate the seriousness of his offense at a basketball game when, just the day after meeting with District of Columbia law enforcement officials, “as his teammates gathered in a circle before the game, Arenas got in the middle, formed his hands into pistols -- thumbs up, index fingers out -- and acted as if he were shooting his teammates.”⁵

Senior military leaders are analogous to NBA stars as both sets of professionals have risen through the ranks above their peers; they've reached the top of their game.

Basketball stars are respected for their prowess and skills not only by other basketball players but by fans across the globe. Similarly, senior military leaders receive the respect of those within the military and citizens throughout the world as they fight battles in an effort to make peace. However, it oftentimes seems that military leaders are not afforded the opportunity like Mr. Arenas received to make a “mistake” more than once, nor are they able to learn how little tolerance there is for certain transgressions such as basketball players learned about guns in a locker room. Despite incessant assurances that they do not serve in a one-mistake military, senior military leaders’ failings are publicized throughout the media in their firing announcement simply as a loss of confidence in their ability to lead. Rarely, if ever, are the true reasons for their removal from command known outside a close-knit circle of military supervisors. This veil of secrecy, while certainly protecting the personal privacy of the leader that got fired, does not allow for others to learn from their mistakes.

Throughout history, mankind has tried to learn lessons from the mistakes of others in order to make themselves better. James Madison, fourth President of the United States, wrote in 1822 that

A popular Government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives.⁶

Senior leaders of the military must also arm themselves with the power knowledge gives both by learning from the mistakes of other senior leaders as well as learning the leadership characteristics of successful leaders. However, the current military culture tends to only teach positive leadership lessons and withholds negative examples in order to protect the privacy of those that committed wrongs. This situation frequently

leads senior military leaders down a path of sometimes unethical, immoral or illegal behavior without the benefit of learning from others who made mistakes before them. For example, within a span of twelve months, five Air Force wing commanders and the Chief of Staff of the Air Force were prematurely removed from their positions for cause. This unprecedented removal of senior leaders carried with it both a stigma of concern over possible widespread misconduct as well as a tremendous lost opportunity for future generations of leaders to learn from their mistakes.

From the Department of Defense on down through each of the military services there exists mechanisms for investigating misconduct and reporting results. Principally there is the Inspector General program established under by United States Code under the authority of Title 5 and the Inspector General Act of 1978, further codified for the military branches as a requirement under Title 10. The Inspector General program establishes a complaints resolution process to “help commanders discover and correct problems affecting the productivity and morale of assigned personnel.”⁷ It aims to resolve the underlying cause of a complaint in order to prevent “more severe symptoms or costly consequences, such as reduced performance, accidents, poor quality work, poor morale or loss of resources.”⁸ “Even though allegations may not be substantiated, the evidence or investigation findings may reveal systemic, morale, or other problems that impede efficiency and mission effectiveness.”⁹ However, in order for those lessons to be learned, there has to be a cognizant authority capable of reviewing the investigation report that can implement the efficiency and mission effectiveness changes the system was designed to provide.

The purpose of this paper is to examine the investigation processes for the Department of Defense, Air Force, Army and Navy. Each service has its own commander's investigation program (in addition to its Inspector General) with its own rules regarding the release of investigation information. Where appropriate, examples will be provided to demonstrate the effectiveness of the investigation program. Ultimately this paper provides a recommendation to release more investigation information in order to have more people learn lessons from the mistakes of others.

Department of Defense

The Department of Defense's primary investigative tool occurs within the office of the Inspector General. The Department of Defense Inspector General "advises the Secretary of Defense on audit and criminal investigative matters covered by the Inspector General Act of 1978 and on the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department of Defense."¹⁰ The Inspector General is given wide latitude to "initiate, conduct, supervise, and coordinate such audits, evaluations, inspections, and investigations in the Department of Defense, including the Military Departments, as the Inspector General of the Department of Defense considers appropriate."¹¹

Once an investigation is complete, the Department of Defense Inspector General is tasked by "policy to promote public trust by making the maximum amount of information available to the public."¹² The office of the Inspector General implements this policy by publishing a redacted copy of the investigation report on its public website.¹³ The Department of Defense Inspector General does an exemplary job at implementing this policy as evidenced by the publication of the results of an investigation involving the Chief of Staff of the Air Force. The published investigation

report provides solid evidence of misdoings, provides great opportunities for lessons learned, is a shining example of proper investigation information release and thus is worthy of further review.

On 8 October 2009, Air Force Secretary Michael Donley issued a letter of admonishment to former Chief of Staff General T. Michael Moseley for “receiving gifts and socializing with company officials bidding for an Air Force contract.”¹⁴

Donley disciplined the retired four-star general on Oct. 8, three months after the Defense Department inspector general completed an investigation into a \$50 million contract awarded to Strategic Message Solutions in 2005. It is the first time the service has disciplined a chief of staff after his retirement. Moseley, who was fired by Defense Secretary Robert Gates in June 2008 for the service's mishandling of nuclear weapons, will keep his four-star pay and benefits.¹⁵

Such a post-retirement admonishment of a former Chief of Staff is quite rare in any branch of the military and is in fact a first in the 62-year history of the Air Force. A review of the 251-page Inspector General investigation report found ethical lapses far too numerous to mention in this paper.¹⁶ The investigation can be summarized in two topics as favoritism (perks for friends including a \$50 million contract to provide a Jumbotron screen for Thunderbird demonstration team air shows) and undue influence (pressure to provide perks for friends).

An investigation by the Defense Department's inspector general faulted Moseley for his interactions with Edward Shipley, then president of the company, and retired Air Combat Command boss Gen. Hal Hornburg, who was a company partner. In early June 2005, Moseley, Hornburg and their wives visited Shipley at his home in Pennsylvania and spent the night. Moseley also shared e-mails with the two during the selection process for the contract.¹⁷

Many people attempted many times to prevent the Air Force Chief of Staff from pushing this contract through the budget process; however, none of the warnings were heeded. In addition to the possible criminal activities unveiled in the investigation,

numerous violations of the Joint Ethics Regulation were readily apparent (including but not limited to restrictions on retired military members and gifts from outside sources). Several of these ethical failures in this situation provide potent lessons learned that can be tied to the culture, change and climate of the Air Force.

Culture. The culture of the Air Force is a “can-do” mentality. In the hierarchical structure of the military, the Chief of Staff is by definition the highest ranking (non-joint) Air Force officer. If the Chief of Staff wants something done he quickly gets it accomplished without dissent. Typically this culture would manifest itself in the Air Force by legions of Airmen who trust the boss to do the right thing – if the boss said it, it must be true (ethical) and it must be done. Fixing the problem of a senior leader advocating an unethical situation requires change in either the leader’s ethical foundation or a change in the mentality of the fleet of Airmen carrying out the orders to encourage dissent. All members of the military can learn lessons related to creating a culture where opportunities for dissent are encouraged.

Change. The Air Force is an inertial organization that resists large, course-correcting changes. Typically any small changes occur only when the highest ranking leadership mandates particular items of change. The change is often grumbled about but never hostilely attacked in an open environment as that would be considered insubordination. This theory of change in the Air Force evidenced itself in the Chief of Staff’s unethical dealings two ways: since the Chief of Staff mandated the change (new contract) it was going to get done, and culturally the Airmen carrying out the orders were unlikely to openly challenge the contract. In fact, according to the Inspector General’s report, private dissent was provided by the Judge Advocate General, the

commander who would have to spend the money and the commander who could provide the required capability in-house so as not to require a contract.¹⁸ Similar to the previous discussion on culture, both these manifestations of change could be fixed by changing either the leader's ethical foundation or changing the mindset of Airmen to encourage dissent – both of which are influenced by the climate in the Air Force.

Climate. At the strategic leader level, climate in the Air Force is compounded by both the culture and the ability to implement change. For instance, the Chief of Staff controls all general officer assignments and the generals control all assignments for colonels. True dissent only occurs when a senior leader reaches the end of their career because of the fear of retaliation in either assignment or promotion following their vocalized dissent. The Inspector General report also highlighted a lack of promotion and job protection for one of the Generals involved in the contract.¹⁹

General Moseley's years of dedicated service temper, but do not excuse his failure in this case to live up to the well-established standards of conduct expected of all airmen. Everyone is accountable for his actions. This is especially so for our senior leaders who must also create an environment where subordinates respect established standards and are willing to engage when things are not right," Donley said.²⁰

Implementing the Secretary of the Air Force's direction to change the climate requires a long-term fix action. Certainly senior military leaders from each branch of service can learn a valuable lesson from this finding.

This Department of Defense Inspector General investigation and publishing of the redacted report on their public website serve as an immaculate example to the military services. Next this paper will explore each of the military services individually to consider how they investigate and report misconduct.

Department of the Air Force

Inspector General: “The primary charge of the Inspector General is to sustain a credible Air Force Inspector General system by ensuring a responsive complaints resolution program and Fraud, Waste, and Abuse Program...ensur(ing) the concerns of all complainants and the best interests of the Air Force are addressed through objective fact-finding.”²¹ The Air Force Inspector General system is designed to investigate what it refers to as the “Big Three” types of cases involving restriction, reprisal and improper mental health referrals. While a small degree of latitude is given to the Inspector General in determining what cases they will investigate, the latitude given to an Air Force Inspector General is not nearly as wide as that given to the Department of Defense Inspector General. Additionally, the release of Air Force Inspector General investigation reports is severely limited by the governing Air Force Instruction.

According to AFI 90-301, *Inspector General Complaints Resolution*, “Inspector General reports are protected documents”²² and only the Air Force’s three-star Inspector General or his designated representative can approve release of Inspector General documents outside of Inspector General channels. The instruction continues by saying that Inspector General reports should not normally be disclosed to individuals outside of the Department of Defense and should be disseminated inside the Department of Defense and the Air Force only to those requiring access to the records in the performance of their official duties.²³ These distribution prohibitions not only prevent other military members from learning lessons from the result of the investigation but they also limit access to those interviewed as part of the investigation.

The Air Force Instruction establishes seemingly draconian limitations on giving information about the complaint to the people interviewed as witnesses or subject matter experts (those closest to the investigation).

(Investigating Officers) conducting Inspector General investigations will not provide witnesses, subjects, or other third parties with copies of complaints or investigative reports or documents or allow those parties to read any complaint filed through Inspector General channels. A complaint to an Inspector General, or a complaint worked in Inspector General channels, is protected information.²⁴

Prior to being interviewed, subjects of the investigation and suspects (any subject that could have broken a law) must be advised of the specific nature of the allegations against them in order to permit them to properly respond to or defend against the allegations. Witnesses being interviewed for the investigation need only be sufficiently advised of the matters under investigation to permit them to respond to the questions asked and to provide other relevant information. In general, the complaint cannot be released without the complainant's written consent or in accordance with rules established in the Privacy Act and the Freedom of Information Act.

The Air Force Inspector General is the decision authority responsible for making release determinations for all Inspector General records. However, in order to enable more efficient dissemination of appropriate information, the Inspector General made permanent the following delegations of release authority:

Senior official investigation records: The Director, Senior Officials Inquiries Directorate²⁵ is the authority responsible for making release determinations for senior official investigation records.

Colonel (or civilian equivalent) and below: The Director, Complaints Resolution Directorate²⁶ is the authority responsible for making release determinations for colonel (or civilian equivalent) and below Inspector General investigative records.

Command action: Appointing authorities are the authority responsible for making release determinations for requests regarding command action resulting from Inspector General investigations. NOTE: This only applies to requests for command action and not other types of requests.²⁷

These Air Force policies appear to meet the intent of the Department of Defense Inspector General's policy on release of investigation information but in actuality the practice is much different. There is no public website set up for release of high public interest investigation information (like the website run by the Department of Defense Inspector General) and even lower-level Inspector Generals do not have access to any records outside of their own command's base. The limitations on Inspector General information sharing certainly hamper any efforts to facilitate a lessons learned program.

The Air Force Inspector General program is not the only mechanism used to investigate possible wrongdoing. Should an allegation of misconduct not meet the strict limitations requiring an Inspector General investigation, there is another official way to investigate the misdeeds.

Commander Directed Investigation: Air Force commanders possess the authority to investigate any or all matters or incidents under their jurisdiction unless preempted by a higher authority (such as a by-law requirement to have an Inspector General investigate a complaint about restriction). "The primary purpose of a (Commander Directed Investigation) is to gather, analyze, and record relevant information about matters of primary interest to command authorities."²⁸ "The (Commander Directed Investigation) is an extension of the commander's authority to investigate and to correct perceived problems within the command...(and) is internal to the command concerned."²⁹

“There are two reasons a commander may want to conduct a (Commander Directed Investigation) -- to investigate systemic (or procedural) problems or to look into matters regarding individual conduct or responsibility.”³⁰ As is to be expected, if a Commander Directed Investigation’s primary focus is to look at a particular individual, the Investigating Officer needs to protect the individual’s rights and additionally preserve the commander’s disciplinary options. As the Air Force commander is the only person that can punish an Airman, that commander is also the release authority for any information gathered during the Commander Directed Investigations. According to the Air Force’s Commander Directed Investigation Guide,

Commanders should limit access to (Commander Directed Investigations) to officers and agencies within the AF with a need to know. Release (Commander Directed Investigations) outside the AF only as required by existing laws. Release should be kept to the minimum necessary to satisfy legal or AF requirements. (Commander Directed Investigations) may not be released, reproduced, or disseminated in whole or in part, or incorporated into another system of records without the express permission of the initiating commander. Commanders should coordinate any information release with their (Judge Advocate General).³¹

Similar to the release restrictions regarding Air Force Inspector General information, Commander Directed Investigation information is kept close hold. In practice it is extremely rare for any useful information to be officially released to the public regarding any adverse investigation information found. For example, Air Force Times reports that five wing commanders have been fired in the past two years. Two wing commanders at Minot Air Force Base, N.D., (one from the 5th Bomb Wing and the other from the 91st Missile Wing) were fired in October 2009 for loss of confidence in their ability to lead.³² Both of these wings have missions involving nuclear weapons which fueled much of the speculation regarding their firings. According to the commander of 8th Air Force, Maj. Gen. Floyd L. Carpenter,

Perfection is the standard,” Carpenter said in the statement. “We will continue to demand exacting focus, attention to detail, discipline and dedication to the highest principles and standards for all activities surrounding the nuclear enterprise.”³³

(Coincidentally, the previous 5th Bomb Wing commander was fired in October 2007 for being unaware of the accidental transfer of a nuclear warhead on a B-52 that summer from Minot to Barksdale Air Force Base, La.)

Additionally, the commander of the 11th Wing, Bolling Air Force Base, Washington, DC, was fired in October 2009 for “lost confidence.” The commander of the 43rd Airlift Wing, Pope Air Force Base, N.C., was fired in June 2009 after arguing in a store parking lot with the wife of an Army soldier from Fort Bragg. Finally, the commander of the 8th Fighter Wing, Kunsan Air Base, Korea, was fired in November 2008, because of problematic maintenance inspections even though the wing was considered combat ready.³⁴ The common threads in all five firings were the Commander Directed Investigation with little to no investigation records released to the public.

Beyond what is reported above, little further information is available concerning the circumstances surrounding any of these commanders. In fact, this lack of information stimulated internet guesswork as to the true causes of the firings. In online forums sponsored by MilitaryTimes.com, there were 58 posts concerning the Bolling commander and an astonishing 145 posts regarding the 5th Bomb Wing commander. These posts conjectured reasons for the firings ranging from sexual misconduct to failed fitness tests to financial misbehavior. Certainly more information could be released in each of these incidents beyond the standard “loss of confidence” statement that could at the very least teach other wing commanders what actions are “firing worthy.” Airmen

deserve the opportunity to learn more lessons from the failings of these senior military leaders than not to get into an argument in a parking lot. In this regard, the Air Force has a long way to go to catch up with the Department of Defense.

Department of the Army

Inspector General: The Army Inspector General is tasked to “(i)nquire into, and periodically report upon, the discipline, efficiency, economy, morale, training, and readiness of the Army to the Secretary of the Army and the Chief of Staff, Army.”³⁵ According to Army Regulation 20-1, *Inspector General Activities and Procedures*, all Inspector General records are the property of the Secretary of the Army and the three-star Inspector General is the release authority for all those records. The Army maintains that Inspector General records are privileged documents and contain sensitive information and advice and unauthorized use or release can seriously compromise Inspector General effectiveness.³⁶ The Army further goes on to identify Inspector General records as any written or recorded Inspector General work-product created during the course of an Inspector General assistance case, inquiry, inspection and investigation and then further defines work product as essentially anything created by an Inspector General.

The Army, similar to the Air Force, severely restricts who is authorized to release investigation information. Only the Inspector General or their Deputy or their designated representatives (Legal Advisor or Deputy Legal Advisor) may approve the release of Inspector General records outside Inspector General channels. Army Regulation 20-1 continues the limitations on release by forbidding Inspector Generals from discussing specific inspections, assistance cases, inquiries, or investigations with media representatives; neither confirming nor denying that a specific subject or topic is or has

been under investigation or inquiry.³⁷ There is no prohibition against an Inspector General discussing the general functioning of the Inspector General system but Inspector Generals are forbidden from answering hypothetical questions concerning situations that might occur in performing their duties. Any requests from media representatives for Inspector General records need to be processed under the Freedom of Information Act.

Again, similar to the Air Force, an Inspector General “may use command products as evidence to resolve allegations brought to the Inspector General...includ(ing), but not limited to, commander’s inquiries and formal and informal investigations conducted under the provisions of (Army Regulation) 15–6.”³⁸ In addition to the Inspector General, the Army maintains a commander’s investigation program commonly referred to as a “15-6.”

15-6 Investigations: Army Regulation 15-6 is very similar to the Air Force’s Commander’s Directed Investigation program in that the 15-6:

(E)stablishes procedures for investigations and boards of officers not specifically authorized by any other directive. ... (T)his regulation may be used as a general guide for investigations or boards authorized by another directive, but in that case its provisions are not mandatory.³⁹

The Army has specific rules regarding safeguarding a written 15-6 report.

When the report contains material that requires protection but does not have a security classification, the report will be marked “For Official Use Only” as provided by (Army Regulation) 25–55. No one will disclose, release, or cause to be published any part of the report, except as required in the normal course of forwarding and staffing the report or as otherwise authorized by law or regulation, without the approval of the appointing authority.⁴⁰

Following the hearing, only after receiving approval from the appointing authority may a copy of the report (including all pertinent exhibits and enclosures) be provided to the

respondent.⁴¹ These rules, much like the rules in the Air Force, appear to value personal privacy over the publication and learning of lessons by other senior leaders.

Department of the Navy

Inspector General: The Navy Inspector General program is extremely similar to those of the Air Force and Army. The purpose of a Navy Inspector General investigation is to “obtain facts sufficient to enable responsible authority to (1) determine whether allegations are substantiated and (2) decide what action, if any, should be taken in response to substantiated allegations.”⁴² The Navy also maintains similar release criteria for their investigations as those investigations are done for official purposes. Any documents obtained during or created as part of the investigation are made available to only those who need them for official purposes. When defining those official purposes, the Navy identifies three specific rules to guide the release of information. They include:

1. During the course of an investigation, information contained in the case file should not be made available to personnel outside of the (Navy Inspector General) chain except for the purpose of providing status reports and briefings to tasking and responsible authorities.
2. Once the investigation is completed, however, certain information in the case file may be provided to those who have an official need to see and use it, except for information obtained subject to an express grant of confidentiality. Persons who have a need to know at that point include endorsing, tasking and responsible authorities, and their legal advisors.
3. Should the responsible authority decide to undertake disciplinary action, the subject usually has due process rights that permit access to most, if not all, of the information in the investigative file, including the identity of witnesses, as part of the disciplinary process.⁴³

Finally, the Navy's Inspector General is the release authority as well as initial denial authority for any Freedom of Information Act or Privacy Act requests concerning investigations and inspections.⁴⁴

JAGMAN: Just like the other services, the Navy maintains a disparate investigation tool other than the Inspector General called a “JAGMAN” which stands for Manual of the Judge Advocate General. According to the Navy’s JAGMAN website, the primary purpose of a JAGMAN investigation is to

...provide the convening authority and reviewing authorities with information regarding a specific incident which occurs in the Department of the Navy. These officials will then make decisions and take appropriate action based upon the information contained within the investigative report.⁴⁵

There are two types of JAGMAN investigations: Command Investigation and Litigation-Report Investigations. “A command investigation functions to gather, analyze, and record relevant information about an incident or event of primary interest to command authorities.”⁴⁶ Litigation-Report Investigations are used primarily “when an incident or event is likely to result in claims or civil litigation against or for (the Department of the Navy) or the United States.”⁴⁷

On the surface, the Navy’s guidance for releasing the results of Command Investigations initially looks promising and provides a welcome respite compared to the rules set by both the Air Force and the Army. Rather than emulating the Inspector General’s policy of retaining release authority at the three-star rank, the JAGMAN transferred responsibility for storage and retention of Command Investigations to the fleet and identified the General Courts Martial Convening Authority (typically the senior commander) as the person with the authority to decide whether release under the Freedom of Information Act or Privacy Act will be made.⁴⁸ “As a general rule, no investigative report, evidence, or documents compiled by investigating officials may be released until the report is final.”⁴⁹ Even though the fleet is familiar with releasing information under the Freedom of Information Act and the Privacy Act, the procedures

regarding the release of JAGMAN investigations are relatively new and were only implemented in 2007.

Although the rules regarding release of JAGMAN investigations appeared to ease restrictions and promote an open exchange of lessons to learn, the Navy's policy regarding court cases appear to best meet the intent for a wide release of information.

Public information and access to military judicial proceedings promotes public awareness and confidence in the military justice system. The task of striking a fair balance among the protection of individuals accused of offenses, improper or unwarranted publicity concerning their cases, public understanding and transparency of the military justice system, and the state of discipline in the military, requires the exercise of sound judgment by both those responsible for administering military justice and those providing information to the public and the media. No statements or other information shall be furnished to the news media or any other source for the purpose of prejudicing the outcome of an accused's trial, or which could reasonably be expected to have such an effect.⁵⁰

Despite the Navy's best intentions, in reality JAGMAN cases aren't being released for public dissemination. According to the Navy Judge Advocate General website, JAGMAN investigation results are posted on their website according to rules established under the Freedom of Information Act that are or will likely become the subject of subsequent requests. The most recently posted investigation was from March of 1993 regarding the USS Grayling (SSN-646) collision.⁵¹ The Navy effectively deemed that nothing of public interest has been investigated in the past 17 years.

Conclusions

Despite their best intentions, the military services have a poor track record of releasing information from investigations. The Department of Defense provided a great example for the military services but the Department of Defense Inspector General cases released are only for those extremely high profile cases that will generate a lot of media interest. While senior military leaders can still learn lessons from the Department

of Defense Inspector General's redacted reports, not every leader is in a position to steer multi-million dollar contracts to their former associates. Certainly the military services could release more information from investigation reports to make the findings more widely known in order to provide better opportunities for lessons learned.

The military services should create a public venue, such as a website, where investigations against senior military leaders can be published in the aggregate. No personal or identifiable information needs to be released; however, facts such as being removed from command for sexual misconduct could serve as a detriment to others. These efforts may not stop the truly bad people like Gilbert Arenas who just don't get it but it certainly is a step in the right direction.

Endnotes

¹ Tracee Hamilton, "For Wizards' Arenas, felony gun charge is no laughing matter," *Washington Post*, January 15, 2010.

² Keith L. Alexander and Mike Wise, "Washington Wizards' Javaris Crittenton pleads guilty to gun charge," *Washington Post*, January 26, 2010.

³ Keith L. Alexander, "Wizards' Gilbert Arenas pleads guilty to felony gun count," *Washington Post*, January 16, 2010.

⁴ David Aldridge, "Arenas faces serious consequences in alleged gun incident," January 1, 2010, <http://www.nba.com/2010/news/01/01/wizards.arenas/index.html> (accessed February 16, 2010).

⁵ Michael Lee, "Despite distractions, Washington Wizards topple Philadelphia 76ers, 104-97," *Washington Post*, January 6, 2010.

⁶ U.S. President James Madison, letter to William T. Barry, August 4, 1822.

⁷ U.S. Department of the Air Force, *Inspector General Complaints Resolution*, Air Force Instruction 90-301 (Washington, DC: U.S. Department of the Air Force, May 15, 2008), 27.

⁸ Ibid.

⁹ Ibid.

¹⁰ U.S. Department of Defense, *Inspector General Guide*, Department of Defense Inspector General Guide 5106.1 (Washington, DC: U.S. Department of Defense Inspector General, March 12, 2001), 7.

¹¹ U.S. Department of Defense, *Inspector General of the Department of Defense*, Department of Defense Directive 5106.01 (Washington, DC: U.S. Department of Defense, April 13, 2006), 3.

¹² U.S. Department of Defense, *Freedom of Information Act (FOIA) Program*, Department of Defense Inspector General Instruction 5400.7 (Washington, DC: U.S. Department of Defense Inspector General, May 11, 2006), 1.

¹³ Redaction is defined by the Privacy Act and the Freedom of Information Act (U.S. Department of Defense Regulation 5400.7-R, *DOD Freedom of Information Act Program*, September 1998). According to paragraph C1.3.1.1. "The public has a right to information concerning the activities of its Government. Department of Defense policy is to conduct its activities in an open manner and provide the public with a maximum amount of accurate and timely information concerning its activities, consistent always with the legitimate public and private interests of the American people. A record requested by a member of the public who follows rules established by proper authority in the Department of Defense shall not be withheld in whole or in part unless the record is exempt from mandatory partial or total disclosure under the FOIA. As a matter of policy, Department of Defense Components shall make discretionary disclosures of exempt records or information whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption, but this policy does not create any right enforceable in court."

¹⁴ Michael Hoffman, "Donley admonishes former Chief of Staff Moseley," *Air Force Times*, posted October 9, 2009, http://www.airforcetimes.com/news/2009/10/airforce_moseley_100809w/ (accessed October 13, 2009).

¹⁵ Ibid.

¹⁶ U.S. Department of Defense Inspector General, *Report of Investigation 200600870H-24-FEB-2006-30LV-B2* (Las Vegas, NV: U.S. Department of Defense Defense Criminal Investigative Service, January 30, 2008), http://www.DepartmentofDefenseig.mil/foi/Foia/ERR/ROI_20080130_0408.pdf (accessed October 14, 2009).

¹⁷ Hoffman, "Donley admonishes former Chief of Staff Moseley,"1.

¹⁸ U.S. Department of Defense Inspector General, *Report of Investigation 200600870H-24-FEB-2006-30LV-B2*, 163, 211, and 14.

¹⁹ Ibid., 215.

²⁰ Hoffman, "Donley admonishes former Chief of Staff Moseley,"1.

²¹ U.S. Department of the Air Force, *Inspector General Complaints Resolution*, 18.

²² Ibid., 127.

²³ Ibid.

²⁴ Ibid.

²⁵ An Air Force Headquarters Colonel

²⁶ An Air Force Headquarters Colonel

²⁷ U.S. Department of the Air Force, *Inspector General Complaints Resolution*, 130.

²⁸ Ibid., 28.

²⁹ U.S. Department of the Air Force, *Commander-Directed Investigation (CDI) Guide*, The Secretary of the Air Force Office of the Inspector General Complaints Resolution Directorate (Washington, DC: U.S. Department of the Air Force, July 7, 2006), 6.

³⁰ Ibid.

³¹ Ibid., 28.

³² Bruce Rolfsen, "5th Bomb Wing CO relieved of command," *Air Force Times*, posted November 3, 2009, http://www.airforcetimes.com/news/2009/10/airforce_westa_fired_minot_103009w/ (accessed November 5, 2009).

³³ Ibid.

³⁴ Ibid.

³⁵ U.S. Department of the Army, *Inspector General Activities and Procedures*, Army Regulation 20-1 (Washington, DC: U.S. Department of the Army, February 1, 2007), 11.

³⁶ Ibid., 22.

³⁷ Ibid., 23.

³⁸ Ibid., 70.

³⁹ U.S. Department of the Army, *Procedures for Investigating Officers and Boards of Officers*, Army Regulation 15-6 (Washington, DC: U.S. Department of the Army, October 2, 2006), 1.

⁴⁰ Ibid., 17.

⁴¹ Ibid., 22.

⁴² U.S. Department of the Navy, *Investigations Manual*, Naval Inspector General Investigations Manual (Washington, DC: U.S. Department of the Navy, July, 1995), 2-1.

⁴³ Ibid., 12-3.

⁴⁴ U.S. Department of the Navy, *Mission and Functions of the Naval Inspector General*, SECNAVINST 5430.57G (Washington, DC: U.S. Department of the Navy, December 29, 2005), 4.

⁴⁵ *The U.S. Navy Judge Advocate General's Corps JAG Manual Investigations Home Page*, http://www.jag.navy.mil/library/jagman_investigations.htm (accessed February 6, 2010).

⁴⁶ U.S. Department of the Navy, *Manual of the Judge Advocate General*, JAGINST 5800.7E (Washington, DC: U.S. Department of the Navy, June 20, 2007), 2-11.

⁴⁷ *Ibid.*, 2-12.

⁴⁸ *Ibid.*, 2-33.

⁴⁹ *Ibid.*, 2-32.

⁵⁰ *Ibid.*, 1-60.

⁵¹ *The U.S. Navy Judge Advocate General's Corps JAG Manual Investigations Home Page*, http://www.jag.navy.mil/library/jagman_investigations.htm (accessed February 6, 2010).

